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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,556	12/05/2003	Hiroyuki Takahashi	110261.02	7978
259.44	7590	10/29/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,556

Applicant(s)

TAKAHASHI, HIROYUKI

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/935,597.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/03;8/3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/935597, filed on August 24, 2001. ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: In claim 3, line 2, "a" should be inserted before "location". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, lines 6-8 recites "*a plurality of gas outlets provided in the gas distribution pipe and disposed corresponding only to at least one of predetermined inflation chambers of the plurality of inflation chambers...*" The scope of this limitation is unclear. It is not known whether what is intended is that each outlet has its own chamber, and only one chamber, or if a plurality of outlets feeds only one chamber. Additionally, the phrase "only to at least one" is confusing. Regarding claim 2, since claim 1 recites "at least one of predetermined inflation chambers", "the predetermined inflation chamber" recited in claim 15 lacks antecedent basis. It is not known if all of the "at least one of predetermined inflation chambers" must be smaller than that of the remainder, or if only a predetermined inflation chamber must be smaller

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than that of the remainder. Additionally, "the remainder", recited in line 2 of claim 2, lacks antecedent basis. What is remaining? It will be assumed that what is intended is that the predetermined inflation chamber has a smaller inflation volume than the remaining air bag. Claim 3, also recites "the predetermined inflation chamber" in line 2. There is insufficient antecedent basis for this limitation, since claim 1 recites "at least one of predetermined inflation chambers". In a manner analogous to claim 2, it is not known if all of the "at least one of predetermined inflation chambers" must be at a location away from the head of the seated occupant in the fore-and-aft direction of the vehicle" or only one of them. Further regarding the limitation "at location away from the head of the seated occupant", this limitation is unclear because it is a reference to an object that is variable, that is the head of the seated occupant. Different people have different postures, and can sit leaning forward, or with their heads against the back of the seat. Additionally, this terminology appears to be positively reciting the head of the occupant, and as such is non-statutory subject matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. As best understood claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Juchem (WO 98/22313.) Juchem teaches a head protecting air bag

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device that an air bag stored along a roof rail, and includes a gas path and a gas distribution pipe (17) that has a plurality of outlets (23.) Each outlet corresponds to one predetermined inflation chamber (21). That is each outlet has its own inflation chamber. Regarding claims 2 and 3, as best understood, a predetermined one of the inflation chambers is located away from the head of the seated occupant, for instance the front most one, and is smaller than the other chambers.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juchem (WO 98/22313) in view of Kokeyuchi et al. (EP 0 967 126 A1.) Juchem is discussed above and teaches all elements of the claimed invention but does not teach that the air bag extends the length of the vehicle to protect both passengers in the front and rear seats, or that the gas supplier is provided at the rear end of the gas distribution pipe. Kokeyuchi teaches that such an air bag may be arranged so as to protect the passenger of the rear of the vehicle, and include a gas introduction on the C pillar (see col. 4, paragraph [0030]. It would have been obvious to one having ordinary skill in the art at the time of the invention to place the gas introduction and the gas supplier of Juchem on the C pillar so as to accommodate placement of the air bag to protect a passenger in the rear seat, as taught by Kokeyuchi et al. Regarding claim 4, Kokeyuchi

et al. additionally teaches that it is known to provide an elongated gas bag so as to protect passengers in the front and rear seat with the same device (see col. 4, paragraph [0031.]) It would have been obvious to one having ordinary skill in the art at the time of the invention to elongate the air bag of Juchem, as taught by Kokeyuchi et al. in order to protect the passengers of both front and rear seats.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juchem (WO 98/22313) in view of Kokeyuchi et al. (EP 0 967 126 A1.) and further in view of Haland et al. (EP 0 950 578 A2.) Juchem in view of Kokeyuchi et al. is discussed above, and renders obvious an embodiment which includes the air bag extending along both the front and rear seats, but does not disclose that the gas supplier is positioned at an intermediate position. Haland et al. teaches an embodiment that includes a gas-introducing path at the top of the air bag and has a gas supplier at an intermediate position. It would have been obvious to one having ordinary skill in the art at the time of the invention to include with the air bag protection device of Juchem in view of Kokeyuchi et al. a gas supplier at an intermediate position of the gas introducing path, as taught by Haland et al. in order to provide a gas supplier that can quickly inflate both the front and rear of the gas bag simultaneously.

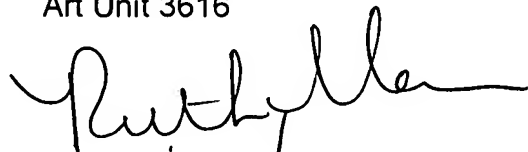
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616


10/27/04

RI
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